

Melissa Newel (CA 148563)  
NEWEL LAW  
2625 Alcatraz Ave., Suite 132  
Berkeley, CA 94705  
(510) 316-3827  
mnewel@newellawfirm.com  
Attorney for Plaintiff  
ANTOINETTE L. STRONG

PHILLIP A. TALBERT  
United States Attorney  
MATHEW W. PILE  
Associate General Counsel  
Office of Program Litigation, Office 7  
Social Security Administration  
MARCELO ILLARMO  
Special Assistant United States Attorney  
160 Spear Street, Suite 800  
San Francisco, CA 94105  
(510) 970-4822  
marcelo.illarmo@ssa.gov  
Attorneys for Defendant

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ANTOINETTE L. STRONG,  
Plaintiff,

v.

KILOLO KIJAKAZI,  
ACTING COMMISSIONER OF  
SOCIAL SECURITY,  
Defendant.

No. 2:21-CV-00575 (AC)

**STIPULATION AND [PROPOSED]  
ORDER FOR AWARD AND PAYMENT  
OF ATTORNEYS FEES PURSUANT TO  
THE EQUAL ACCESS TO JUSTICE ACT  
(28 U.S.C. §2412(d))**

1 IT IS HEREBY STIPULATED by and between the parties, through their undersigned  
2 attorneys, subject to the approval of the Court, that Antoinette L. Strong (“Plaintiff”) be awarded  
3 attorney fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. §2412 (d), in the  
4 amount of eight thousand four hundred and sixty-six dollars and eighty-nine cents (\$8,466.89).  
5 This represents compensation for legal services rendered on behalf of Plaintiff by counsel in  
6 connection with this civil action, in accordance with 28 U.S.C. §2412 (d).

7 After the Court issues an Order for EAJA fees to Plaintiff, the government will consider  
8 the matter of Plaintiff’s assignment of EAJA fees to Plaintiff’s attorney. Pursuant to *Astrue v.*  
9 *Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the  
10 attorney fees are subject to any offset allowed under the United States Department of the  
11 Treasury’s Offset Program. After the Order for EAJA fees is entered, the government will  
12 determine whether they are subject to any offset.

13 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines  
14 that Plaintiff does not owe a federal debt subject to offset, then the government shall cause the  
15 payment of fees approved to be made payable to Melissa Newel or Newel Law (collectively  
16 “Plaintiff’s counsel”), pursuant to the assignment executed by Plaintiff. Any and all payments  
17 made shall be delivered to Plaintiff’s counsel.

18 This stipulation constitutes a compromise settlement of Plaintiff’s request for EAJA  
19 attorney fees and does not constitute an admission of liability on the part of Defendant under  
20 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any  
21 and all claims that Plaintiff and/or Plaintiff’s counsel may have relating to EAJA attorney fees  
22 and expenses in connection with this action.

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This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. §406(b), subject to the savings clause provisions of the EAJA.

Respectfully submitted,

Dated: June 21, 2023

NEWEL LAW

By: Melissa Newel  
Melissa Newel  
Attorney for Plaintiff  
ANTOINETTE L. STRONG

Dated: June 21, 2023

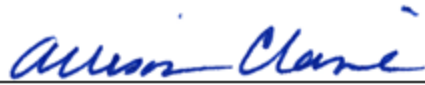
PHILLIP A. TALBERT  
United States Attorney  
MATHEW W. PILE  
Associate General Counsel  
Social Security Administration

By: Marcelo Illarmo\*  
MARCELO ILLARMO  
(\*Authorized by email dated 06/20/2023)  
Special Assistant U.S. Attorney  
Attorneys for Defendant

### ORDER

IT IS HEREBY ORDERED that, pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412(d), attorney fees in the amount of **eight thousand four hundred and sixty-six dollars and eighty-nine cents (\$8,466.89)** be awarded subject to the terms of the Stipulation.

DATED: June 23, 2023

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE